

**Ch. 554      68th LEGISLATURE—REGULAR SESSION**

emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 29, 1983: Yeas 30, Nays 0, one present not voting; Senate concurred in House amendments on May 27, 1983, by a viva-voce vote; passed the House, with amendments, on May 25, 1983, by a non-record vote.

Approved June 19, 1983.

Effective Aug. 29, 1983, 90 days after date of adjournment.

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**AIR CONDITIONING CONTRACTOR LICENSE LAW**

**CHAPTER 555<sup>41</sup>**

**S. B. No. 642**

**AN ACT**

relating to the regulation of air conditioning contractors; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. SHORT TITLE. This Act may be cited as the "Air Conditioning Contractor License Law."

SECTION 2. DEFINITIONS. In this Act:

(1) "Environmental air conditioning" means the process of treating indoor air to continuously control its temperature, humidity, cleanliness, and circulation to meet human comfort requirements.

(2) "Air conditioning contractor" means a person licensed under this Act who designs, installs, constructs, maintains, services, repairs, alters, or modifies any heating, ventilating, or air conditioning product, system, or equipment.

41. Vernon's Ann.Civ.St. art. 8861, §§ 1 to 11.

Additions in text indicated by underline; deletions by ~~strikeouts~~

(3) "Air conditioning contracting" means designing, installing, constructing, maintaining, servicing, repairing, altering, or modifying any heating, ventilating, or air conditioning product, system, or equipment. The term does not include the design, installation, construction, maintenance, service, repair, alteration, or modification of a portable or self-contained ductless air conditioning or heating product that has a cooling capacity of three tons or less or a heating capacity of 36,000 British thermal units or less.

(4) "Commissioner" means the commissioner of the Texas Department of Labor and Standards.

(5) "Person" means an individual.

SECTION 3. POWERS AND DUTIES OF COMMISSIONER. (a) The commissioner shall adopt rules for the practice of air conditioning contracting consistent with this Act not later than the 90th day after the effective date of this Act. The standards prescribed by rule must be at least as strict as the standards set forth in the Uniform Mechanical Code published jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as that code exists at the time the rules are adopted.

(b) The commissioner shall prescribe application forms for original and renewal licenses and the design of the licenses.

(c) The commissioner shall prescribe the method and content of examinations administered under this Act and shall set compliance requirements for the examinations. The examinations shall be offered only in Travis County and shall be offered on a quarterly basis.

(d) The commissioner shall set insurance requirements for persons licensed under this Act. The commissioner may waive the insurance requirements for licensees who do not contract with the general public.

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(e) The commissioner may employ the personnel necessary to implement this Act. The commissioner shall employ at least two full-time air conditioning professionals to serve as air conditioning examiners.

(f) The commissioner may authorize necessary disbursements to implement this Act, including office expenses, costs of equipment, and other necessary facilities.

(g) The commissioner shall set fees for original and renewal licenses issued under this Act. The commissioner shall set a fee for the licensing examinations. The fees shall be set in amounts that are reasonable and necessary to pay the costs of the administration of this Act.

(h) The commissioner shall maintain a record of his proceedings under this Act.

SECTION 4. AIR CONDITIONING CONTRACTOR LICENSE. (a) Air conditioning contractor licenses are of two classes. A Class A license entitles the licensee to install, repair, or alter summer or winter environmental air conditioning systems of any size or capacity. A Class B license entitles the licensee to install, repair, or alter an environmental air conditioning system that develops a total of not more than 25 tons cooling capacity and not more than 1,500,000 British thermal units per hour output heating capacity. The commissioner shall prescribe an appropriate examination for each class of license.

(b) An applicant for an air conditioning contractor license must be at least 18 years old and have at least three years of practical experience in air conditioning work. For purposes of the experience requirement, a degree or diploma in air conditioning engineering or mechanical engineering from an institution of higher education whose program is approved by the Texas State Board of Registration for Professional Engineers for the purpose of licensing professional engineers is considered the equivalent of two years of practical experience.

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(c) The application must be made on a form prescribed by the commissioner and must specify the class of license the applicant seeks. The application must be verified and must be accompanied by:

- (1) three recommendations from competent people in the regulated industry;
- (2) evidence of the insurance coverage required under this Act;
- (3) a statement of the applicant's practical experience; and
- (4) the examination fee.

(d) The commissioner shall issue the air conditioning contractor license to an applicant who possesses the required qualifications, passes the appropriate licensing examination, and pays the examination fee and the original license fee required by this Act. An applicant who fails the examination is eligible for reexamination.

(e) A license issued under this Act expires three years after the date it was issued. To renew a license, the licensee must submit to the commissioner before the expiration date a renewal application, on a form prescribed by the commissioner, accompanied by the renewal fee. The commissioner shall notify the licensee of the expiration date of the license and the amount of the renewal fee. The notice shall be mailed not later than the 30th day before the expiration date.

SECTION 5. DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

(a) A violation of this Act or a rule adopted under this Act is a ground for the denial, suspension, or revocation of a license issued under this Act.

(b) Proceedings for the denial, suspension, or revocation of a license and appeals from those proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

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SECTION 6. EXEMPTIONS. (a) This Act does not apply to a person who:

(1) performs air conditioning work in a building owned solely by him as his home;

(2) performs air conditioning maintenance work if the person is regularly employed as a maintenance man or maintenance engineer or is licensed as a professional engineer under The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes), the work is performed in connection with the business in which the person is employed, and the person does not engage in the occupation of air conditioning contracting for the general public;

(3) performs air conditioning contracting and is regularly employed by a regulated electric or gas utility;

(4) performs plumbing work and is licensed under The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes); or

(5) assists in the performance of air conditioning work under the direct personal supervision of a licensee.

(b) The work described by Subsection (a) of this section remains subject to any permit, inspection, or approval requirements prescribed by a municipal ordinance.

(c) A person licensed under this Act may not perform or offer or attempt to perform any act, service, or function that is defined as the practice of engineering by The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes). This Act does not apply to a person licensed in this state as a professional engineer and engaged in business as a professional engineer.

(d) This Act does not apply to a person who is regulated under Chapter 113, Natural Resources Code.

SECTION 7. REPORTING REQUIREMENT. Each person licensed under this Act shall notify the municipal authority who has control

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of the enforcement of regulations relative to air conditioning contracting in the municipality in which the person is engaged in air conditioning contracting that the person has obtained a state license. The notification must contain the name and address of the licensee.

SECTION 8. PENALTY. Except as provided in Section 9, a person commits an offense if the person knowingly or intentionally engages in air conditioning contracting without a license issued under this Act. An offense under this section is a Class C misdemeanor.

SECTION 9. MUNICIPAL REGULATION. A license issued under this Act is valid throughout the state, and the holder is not required to hold a municipal license to practice air conditioning contracting in a municipality. A license issued by a municipality of this state is valid under the terms of the license within that municipality.

SECTION 10. SUNSET REVIEW; EXPIRATION. (a) The Sunset Advisory Commission shall review the operation of this Act as part of the commission's review of the office of the commissioner.

(b) Unless continued by law, this Act expires September 1, 1989.

SECTION 11. EFFECTIVE DATE FOR LICENSE REQUIREMENT. A person is not required to be licensed under this Act to engage in the business of air conditioning contracting until January 1, 1986.

SECTION 12. EFFECTIVE DATE. This Act takes effect September 1, 1983.

SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 30, 1983, by a viva-voce vote; Senate concurred in House amendments on May 30, 1983, by a viva-voce vote; passed the House, with amendments, on May 28, 1983, by a non-record vote.

Approved June 19, 1983.

Effective Sept. 1, 1983.

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